



Spring/Summer1999

APHIS' Animal Care Report

United States Department of Agriculture • Animal and Plant Health Inspection Service

I am pleased to announce the appointment of Dr. Richard Watkins as our new Animal Care (AC) Assistant Deputy Administrator. As strategic initiatives coordinator for the past 2 years, Dr. Watkins has been an integral part of our effort to improve operations and a key member of our management team. I look forward to working closely with him as we face the many challenges and opportunities presented to our program in the future.

This edition of the AC Report provides a brief profile on Dr. Watkins. It also details two new proposed rules on acclimation certificates and confiscation of animals, as well as updates on our other managerial, regulatory, and policy initiatives.

As always, this report aims to promote two-way communication between our program in the U.S. Department of Agriculture's (USDA) Animal and Plant Health Inspection Service (APHIS) and representatives of industry and interest groups like you. We want to know if you find the report helpful, and we welcome your comments. Call (301) 734-5175 or e-mail us at ace@usda.gov to share your ideas.

W. Ron DeHaven
Deputy Administrator

Watkins Named Assistant Deputy Administrator

On March 15, Dr. Richard Watkins took over as AC's Assistant Deputy Administrator. In this capacity, he assists Dr. Ron DeHaven on a daily basis in leading the program into the 21st Century.

Watkins was previously AC's strategic initiatives coordinator from June 1996 to March 1998 and oversaw the development of many program enhancements, including the risk-based inspection system. Before coming to APHIS headquarters, he was regional director for AC's former Southeast Region in Tampa, FL. He was also a supervisory official in the former North Central Region in Minneapolis, MN, and a field veterinary medical officer in that State. Watkins joined AC in 1990. He earned his D.V.M. from the University of Minnesota.

AC Considers Guidelines for Nonagricultural Use of Farm Animals

On March 2, AC published a notice seeking public comment on the possible adoption of two industry guidelines for the care of farm animals used in nonagricultural research and exhibition. The two guidelines under consideration are the "Guide for the

Care and Use of Agricultural Animals in Research and Teaching" published by the Federation of American Societies of Food and Animal Science, and the "Guide for the Care and Use of Laboratory Animals" published by the Institute of Laboratory Animal Research. The goals in adopting the guidelines are to address the unique needs of farm animals and assist regulated persons in better meeting the Animal Welfare Act (AWA) standards and regulations.

AC has, since 1990, considered developing specific standards for farm animals under subpart F of the AWA regulations. The adoption of these guidelines would assist in meeting this objective. The comment period on the notice closed on May 3, and AC is currently reviewing the comments received to determine how to proceed.

Comment Period on Rats, Mice, and Birds Petition Closes

On May 28, AC closed the extended comment period on its notice announcing receipt of a petition to have USDA regulate rats, mice, and birds under the AWA. AC estimates that, during the comment period, more than 2,400 comments were submitted electronically and more than 24,000 submitted in the traditional manner. AC is currently reviewing the comments to determine how to proceed. (Note: The lawsuit regarding this issue that was filed by the petitioners is still pending in Federal court.)

Comment Periods on Marine Mammal Rule and Notice Close

On May 26, AC closed the comment period on its proposed rule to amend the AWA regulations for the humane handling, care, treatment, and transportation of marine mammals (sometimes referred to as the "consensus language"). AC is now reviewing the handful of comments received during the period and developing a final rule.

On June 1, AC closed the comment period on its notice announcing the suspension of the AWA regulations pertaining to swim-with-the-dolphin interactive programs. The notice was published April 2 and suspended the regulations effective immediately. Through the notice, AC acknowledged that the language contained in the regulations may have been confusing to some people and requested input on how to revise the requirements to make them more effective. AC is currently reviewing the less than 20 comments received on this issue.

Animal Care Seeks Comments on Nonhuman Primate Enrichment

Until September 13, AC will accept comments on a draft policy clarifying Animal Welfare Act environmental enhancement regulations to promote the psychological well-being of captive, nonhuman primates. The draft policy identifies and addresses five elements that are critical to captive, nonhuman primate environments: social grouping, social needs of infants, structure and substrate, foraging opportunities, and manipulanda. The draft policy was published in the *Federal Register* on July 15 and can be reviewed on the APHIS Website at www.aphis.usda.gov/ppd/rad/webrepor.html under Docket No. 98-121-1.

USDA-APHIS-Animal Care

Headquarters Office

W. Ron DeHaven, D.V.M.
4700 River Road, Unit 84
Riverdale, MD 20737-1234
Phone: (301) 734-4981
Fax: (301) 734-4328

Eastern Region

Elizabeth Goldentyer, D.V.M.
1001 Wade Avenue, Suite 300
Raleigh, NC 27605
Phone: (919) 856-4504
Fax: (919) 513-2349

Central Region

Walter Christensen, D.V.M.
P.O. Box 6258
Fort Worth Federal Center, Building 11
Fort Worth, TX 76115
Phone: (817) 885-6923
Fax: (817) 885-6917

Western Region

Robert Gibbens, D.V.M.
9580 Micron Avenue, Suite J
Sacramento, CA 95827
Phone: (916) 857-6205
Fax: (916) 857-6212

World Wide Web Home Page

www.aphis.usda.gov/ac

E-mail Address

ace@usda.gov

New Policy Covers the Capture of Prairie Dogs

Effective July 1, AC began enforcing a new policy regarding the capture of prairie dogs. This policy will require that any capture method for these animals be used as expeditiously and carefully as possible and in a manner that does not cause trauma, overheating, excessive cooling, behavioral stress, physical harm, or unnecessary discomfort. The policy notes that all capture methods involve some degree of behavioral stress and discomfort, but also states that certain methods clearly cause an undue amount of strain. These stress-inducing methods include vacuuming, flooding, and the use of noxious gases.

Minor Revision to Policy on Research Facility Annual Reports

AC has completed minor modifications to its policy governing the submission of annual reports on the use of animals in experimentation. The revision updates the address of the official contact at the United States Veterans Administration. It also changes AC's internal deadline for entering research facility information into the program's database. The old deadline was December 30; the new deadline is December 15. Neither of these changes affect the reporting requirements of research facilities.

Research Facility Reports on APHIS Website

In the fall of 1998, APHIS began posting research facility annual reports to its Website, beginning with the reports for fiscal years (FY) 1996 and 1997. This action complied with a Congressional mandate to make Federal Government documents available electronically. The action was also part of an ongoing APHIS and AC initiative to provide the public with access to agency records via the World Wide Web. In March 1997, APHIS began posting summaries of facility inspection reports to its Website. The program intends to make additional records available online in the future.

APHIS is aware that there are concerns about the posting of certain information to the Website, such as researchers' names and addresses, and is working, where possible, to address this situation. However, under the Freedom of Information Act, APHIS may not arbitrarily remove information from agency records.

APHIS may only redact information for privacy or confidential business reasons. In reviewing the statutes governing the release of public records, APHIS concluded that the names and locations associated with specific research projects generally

do not meet the requirements for exclusion. Accordingly, if researcher-specific information is included in the reports submitted by facilities, APHIS will, in most cases, include it in the reports posted to the Website.

Ultimately, the best way to ensure that researcher-specific information is not posted to the APHIS Website is to exclude that information from facility annual reports. APHIS requires research facilities to submit only the aggregate number of animals used in experimentation, broken down by species and established pain category. For animals used in experiments involving pain and distress where no drugs are used for relief, a written explanation must also be included. However, none of these records need to reference specific protocols, locations of research sites, or names of researchers. Facilities can simply not report this information, thus ensuring that it will not be posted to the APHIS Website.

For further guidance on preparing facility annual reports, refer to AC policy number 17, "Annual Reports for Research Facilities." The policy is available on the AC Website.

Survey Planned for Animal Protection Organizations

AC is planning a survey of animal protection organizations for this summer or fall. The survey is the second part of AC's efforts to assess customer satisfaction with the program and the AWA regulations. A comparable survey of regulated parties was conducted in March 1997.

Through the survey, AC plans to query about 800 organizations at the local, State, and national level. The program is currently working with a select group of organizations to refine the survey questionnaire and identify potential participants.

Training Sessions Held on Elephant Care and Dealer Inspections

In April, AC held its last of three special training courses for AC employees on elephant care and handling. The final session took place in Orlando and Tampa, FL, following successful sessions in Seattle, WA, and San Diego, CA, in 1998. All of the courses were taught by experts recognized in the field of elephant care and handling, and covered such areas as foot care and proper training techniques. About 45 members of AC's field force—more than half of AC's inspectors—completed the courses.

AC also provided specialized training in April for its field personnel who inspect dog dealers on what to look for when examining dealer facilities. The goal of the training is to ensure high quality, uniform

inspection procedures throughout the United States so that all dealers will be required to provide the same level of care to their animals.

Year 2000 (Y2K) Planning Efforts Continue

AC is moving forward on its efforts to prepare the program for Y2K. The program has received its new, Y2K-compliant desktop and laptop computers and is issuing them to field personnel. The program also continues to move closer to completion on its new database for AWA licensees and registrants and is surveying key stakeholders, as needed.

These activities complement AC's previous efforts, which include surveying the manufacturers of the program's mission-critical equipment to assure the equipment is Y2K compliant and developing a contingency plan in case of unexpected complications. AC is still on schedule to complete its Y2K planning activities well in advance of January 1, 2000.

Proposed Change to AWA Transport Regulations

On June 7, AC proposed amending the AWA regulations pertaining to the commercial transportation of animals. The proposed change would remove the requirement that veterinarians must certify that a dog or cat is acclimated to temperatures lower than the minimum temperature requirements in the regulations. In place of this certification, the proposal requires the owners of animals, who ultimately know the animals the best, to make the acclimation certificate. The comment period on the proposed rule closes on August 6.

Changes to AWA Regulations for Confiscating Animals Considered

On May 28, AC proposed amending the AWA regulations pertaining to the confiscation of animals. The proposed change would allow AC to place animals confiscated from situations detrimental to their health and well-being with a person or facility that is not licensed with APHIS. Currently, AC must place the animals in a facility licensed or registered under the AWA.

Any unlicensed facility considered for placement would have to offer a level of care equal to or exceeding that required by the AWA regulations. The change in regulations would facilitate the relocation of confiscated animals and minimize the amount of time neglected, sick, or injured animals stay in unhealthy situations.

Missing Pets Network (MPN) Unites Owners and Their Animals

Each year, thousands of pets are reported missing. MPN, which was co-founded by AC employee Dr. Jerry DePoyster, is a Website that links computer users throughout the United States to help pet owners locate these animals. Pet owners are given helpful tips on how to locate their missing pet. The owners can also submit a brief description of their missing animal and photo if available. This information is then posted to the MPN Website. Local humane and animal control officials as well as private citizens can then use this information to help locate the missing animal and unite it with its owner.

Though statistics are not kept on the actual number of animals that have been reunited with their owners, AC has learned of success stories from MPN members. These stories include animals that were found by owners who used MPN's helpful hints as well as animals that were located after their information was posted to the MPN Website. In fact, MPN receives thank-you notes every day from people who have benefitted from its assistance, and the site has been commended for its valuable service to pet owners. You can visit the site at its new internet address (www.missingpet.net).

FY 1998 Animal Welfare Report Published

In June, AC published its annual report to Congress on the agency's animal welfare activities. The report sports the same format as last year, with data on AC's inspection and enforcement activities as well as significant information on the program's managerial initiatives. The report also employs pictures, graphs, and sidebars to highlight important pieces of information. In early July, a black-and-white edition of the report was mailed to all subscribers receiving this quarterly report. A full-color Web edition was unveiled at the same time.

Policy Update

The items listed below are either new policies under development or policies currently being revised.

New Policies Under Development

- Health records
- Licensing of rehabilitation facilities and education exhibitors

- Training/handling of dangerous animals
- Regulation of farm animals (adopting industry standards)
- Regulation of transportation of nonhuman primates
- Primate enrichment

Regulatory Update

The items listed below are either under consideration and not yet published in the Federal Register, published in the Federal Register and open for comment, or previously open for comment and now under review by the Department.

Notices

- Nonhuman Primate Environmental Enrichment Policy (under consideration)
- Petition for the Regulation of Rats, Mice, and Birds (under review)
- Handling and Training of Potentially Dangerous Wild and Exotic Animals Used for Exhibition (under review)
- Guidelines for Farm Animals (under review)
- Swim-With-the-Dolphins: Request for Information (under review)
- Information Collection: Horse Protection Program (under review)
- Licensing Requirements for Dogs and Cats: Decision on the Doris Day Animal League Petition (published July 19)

Proposed Rules

- Revisions to AWA Licensing Requirements (under consideration)
- Identification of Unweaned Puppies and Kittens (under consideration)
- Exotic Canids and Felids: Minimum Age for Transport (under consideration)
- Veterinary Medical Records (under consideration)
- Amend Definition of Exhibitor (under consideration)
- Certificate of Acclimation (open for comment)
- Confiscation of Animals (open for comment)

Final Rules

- Perimeter Fencing (under consideration)
- Amend Definition of Field Study (under consideration)
- Standards for Marine Mammals: Consensus Language (under review)

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